

Docket No. 70116/49945 RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Cesarczyk, Edward J.

U.S.S.N.: 09/778,125

Art Unit: 1743

FILED: February 6, 2001

Examiner: L. Alexander

FOR: DIAGNOSTIC TESTING DEVICE AND METHOD OF USE THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 02209-9169

DECLARATION UNDER 37 C.F.R. §1.132

Dear Sir:

I, Edward J. Cesarczyk, declare and say that I am a resident of the United States. I am the sole inventor of the subject matter claimed in the above-identified application (hereinafter "Application"). I personally performed or directed the research leading to the invention.

I have recently read the Application and the Office Action dated April 14, 2004 ("Office Action") issued in the Application. As I understand it, the only rejection made by the Examiner is in view of U.S. Patent No. 6,150,178 (hereinafter "Patent"). The inventors listed on the Patent are Edward J. Cesarczyk (i.e., me) and Peter P. Phildius.

I am the sole inventor of the Application.

I hereby declare that the portions of the Patent relevant to the present Application originated with or were obtained from me and that any unclaimed invention disclosed in the first patent was derived from myself. I further declare that I am the sole inventor of the present Application. I further declare that Peter P.

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Phildius, co-inventor of the Patent, and I both are employees of Avitar, Inc., which is the common assignee of both the Patent and the present Application,

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

07.16.04
Date

Edward J. Cosarczyk
Edward J. Cosarczyk

TOTAL P.03